

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANDREW ROSS and SUSAN GERARD,

Plaintiffs,

vs.

No. 1:16-cv-01121 PJK/SMV

HECTOR BALDERAS, Jr., ROBERT
GARCIA, SARAH MICHAEL
SINGLETON, FRANCIS J. MATHEW,
RAYMOND Z. ORTIZ, DAVID K.
THOMPSON, JENNIFER ATTREP, T.
GLENN ELLINGTON, SYLVIA
LAMAR, DONITA OLYMPIA SENA,
DONNA BEVACQUA-YOUNG, PAT
CASADOS, FRANK SEDILLO,
WILLIAM PACHECO, ANTONIO
GUTIERREZ, ANNA MONTOYA,
JUDAH BEN MONTANO, A. ARROYO,
E. MONTIJO, MICHELLE PORTILLO,
STEPHEN T. PACHECO, JANE
GAGNE, JOYCE BUSTOS, LYNN
PICKARD, PAMELA REYNOLDS,
ROBIN MARTINEZ, ROBERT
RICHARDS, BRENDA WALL,
AUDREY MONTOYA, and ALLSTATE
INSURANCE, INC.,

Defendants.

ORDER DENYING APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND MOTION FOR PRELIMINARY INJUNCTION

THIS MATTER comes on for consideration of Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction filed November 12, 2016. Doc. 41. Upon consideration thereof, the Application and Motion should be denied.

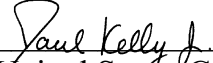
Plaintiffs seek to restrain Defendant Richards from contacting the Plaintiffs and committing criminal acts against the Plaintiffs. Defendant Richards responded on November 14, 2016 (Doc. 46). In the Tenth Circuit, a movant seeking preliminary injunctive relief must demonstrate that (1) it will suffer irreparable harm if the injunction is not granted, (2) its threatened injury outweighs the harm caused to the opposing party as a result of the injunction, (3) the injunction is not adverse to the public interest, and (4) it has a substantial likelihood of success on the merits of the case. Diné Citizens Against Ruining Our Env't v. Jewell, 839 F.3d 1276, 1281 (10th Cir. 2016). Plaintiffs have completely failed to address the governing standard, let alone show a right to relief that is clear and unequivocal. The relief requested is denied on that basis alone.

In the alternative, Plaintiffs have not established the factors necessary for injunctive relief. Plaintiffs have provided no corroborating evidence of their claims against Defendant Richards, many of which would provide no basis for the court to grant injunctive relief. Given these deficiencies, a hearing is unnecessary. See Bradley v. Pittsburgh Bd. of Educ., 910 F.2d 1172, 1175–76 (3d Cir. 1990); see also Carbajal v. Warner, 561 F. App'x 759, 763–64 (10th Cir. 2014).

In his response, Defendant Richards has requested that the court report Plaintiffs' attorney to the New Mexico Disciplinary Board. The court reserves on that request. He has also requested sanctions under Rule 11 against Plaintiffs' attorney, as well as sanctions against the Plaintiffs and discovery of various items. These requests are referred to the magistrate judge assigned, upon a formal motion.

NOW, THEREFORE, IT IS ORDERED that Plaintiffs' Application for Temporary Restraining Order and Motion for Preliminary Injunction against Defendant Robert Richards filed November 12, 2016 (Doc. 41) is denied.

DATED this 2nd day of December 2016, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation

Counsel:

Arash Kashanian, Albuquerque, New Mexico, for Plaintiffs.

Robert Richards, pro se.